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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,278	09/26/2003	Masakazu Kitora	00862.023248.	6459
5514 7590 02/06/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER DO, ANH HONG	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,278	KITORA ET AL.	
	Examiner	Art Unit	
	ANH H. DO	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2 and 10-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/21/07, 1/15/04, 9/26/03.</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamishima (U.S. Patent No. 5,646,959) in view of the prior art described in the application (hereafter the PAA).

Regarding claim 1, Kamishima discloses:

- inputting compressed image data (Fig. 2 shows buffer memory 22 for inputting image compressed by data compression CKT 31);
- expanding the compressed image data (Fig. 2 shows expansion CKT 32 for expanding the compressed image data from buffer memory 22).

Kamishima does not disclose expressly adding second image property information as image property information of the image data which is expanded without containing any first image property information and outputting the image data which contains the first and second image property information.

The PAA discloses:

- adding substitute information (corresponding to the claimed image property information) as image property information of the image data which is expanded without any first image property information (specification, page 2, lines 10-13);

- printing (i.e., outputting) the image data which contains image property information (i.e., the attribute information indicating regions corresponding to the claimed first and second image property information) (specification page 2, lines 24-27).

Kamishima & the PAA are combinable because they are from image processing, namely image compression and expansion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the steps of adding image property information and outputting the image data in Kamishima as taught by the PAA.

The suggestion/motivation for doing so would have been to reduce a memory capacity of buffer memories (Kamishima, col. 2, lines 13-15).

Therefore, it would have been obvious to combine Kamishima with the PAA to obtain the invention as specified in claim 1.

Regarding claims 16 and 17, since these claims are an apparatus claim and a CRM claim corresponding to method claim 1, the discussion of claim 1 is applied hereto.

Regarding claim 3, the PAA teaches printing the expanded data (specification, page 2, lines 24-27).

Regarding claim 4, the PAA teaches a tile forms an image for one page (specification, page 2, lines 18-19: the substitute information is switched within one page).

Regarding claims 5 and 8, Kamishima teaches inputting a packet which contains the compressed image data and a header (col. 7, lines 33: packet header portion DT is compressed into image data packet contains compressed image data and a header).

Regarding claim 6, the PAA teaches determining whether the compressed image data in the packet contains the first image property information (specification, page 2, lines 14-18: determining the substitute information corresponding to the first image property information).

Regarding claim 7, the JPEG is well-known in the art for compressing image data (Official Notice) and Kamishima teaches compressing the image property information which is a packet so the compression method should be PackBits (col. 7, lines 17-36).

Regarding claim 9, the PAA teaches the second image property information is a representative value of the image property information in the image data (specification, page 2, lines 10-20: substitute information is a header information which is obviously a representative value of image property information).

Allowable Subject Matter

4. Claims 2 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the prior art, taken either singly or in combination, does not teach:

- a storing step of storing... in the storage device.

Regarding claims 10-15, since these claims depend from claim 2, they are also objected for the same reason.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 4, 2008


EILEEN LILLIS
PROSECUTOR